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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Group Art Unit 3634

In re

Patent Application of

Gabriel Petta, et al.

Application No. 10/829,645

Confirmation No.: 6976

Filed: April 22, 2004

Examiner: Not yet assigned

“CASEMENT WINDOW SYSTEM AND
COMPONENTS AND HARDWARE
THEREFOR”

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is a Petition to Accept an Unintentionally Delayed Priority Claim and a corresponding Amendment in accordance with 37 C.F.R. § 1.78(a)(3).

Since the Amendment does not alter the claims, no fee is due for the Amendment, as shown in the calculation below.

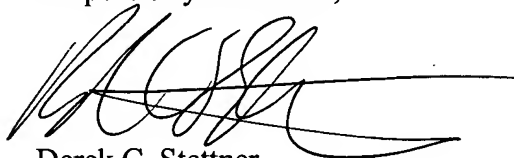
CLAIMS AS AMENDED							
	(1)	(2) CLAIMS REMAINING AFTER AMENDMENT	(3)	(4) HIGHEST NO. PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEE
	TOTAL CLAIMS	26	MINUS	26	0	X \$18	0.00
	INDEP. CLAIMS	7	MINUS	7	0	X \$86	0.00
	TOTAL ADDITIONAL FEE FOR THIS AMENDMENT ----□				0.00		

However, the surcharge set forth in § 1.17(t) (\$1300.00), as required by 37 C.F.R. § 1.78(a)(3)(ii), is provided via the attached check.

The PTO did not receive the following
listed item(s) a check in the
amount of \$1,300.00

Charge or credit Deposit Account No. 50-1965 with any shortage or overpayment of the fees associated with this communication. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Derek C. Stettner', with a long horizontal line extending to the right.

Derek C. Stettner
Reg. No. 37,945

File No. 200195-9001-00

Michael Best & Friedrich LLP
401 North Michigan Avenue
Suite 1900
Chicago, Illinois 60611
(312) 222-0800

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Appl. No. : 10/829,645
Confirmation No. : 6976
Applicant : Gabriel Petta, et al.

Filed : April 22, 2004
Title : CASEMENT WINDOW
SYSTEM AND
COMPONENTS AND
HARDWARE THEREFOR

TC/A.U. : 3634
Examiner : Not yet assigned

Docket No. : 200195-9001-00

I, Karen J. Kline, hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date of my signature.

Karen J. Kline
Signature

9/8/04
Date of Signature

AMENDMENT
AND
PETITION TO ACCEPT AN UNINTENTIONALLY DELAYED PRIORITY CLAIM
IN ACCORDANCE WITH 37 CFR 1.78(a)(3)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Please amend the present application as indicated within this paper and in accordance with the remarks submitted herewith supporting this petition.

Amendments to the Specification begin on page 2 of this paper.

Remarks Supporting this Petition begin on page 3 of this paper.

Amendments to the Specification:

Please add the following text as the first paragraph of the patent application:

This is a continuation of U.S. patent application number 10/281,199, which was filed on October 28, 2002.

Remarks Supporting this Petition:

In support of this petition, the Applicant respectfully states the following:

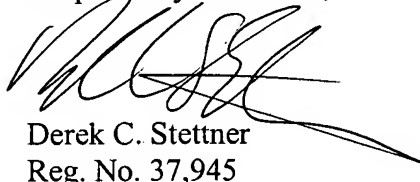
On October 28, 2002, a patent application entitled "CASEMENT WINDOW SYSTEM AND COMPONENTS AND HARDWARE THEREFOR" was filed by Royal Group Technologies Limited (hereinafter the "Royal Group patent application") and given Serial No. 10/281,199. The patent application names Madan Chandragiri Rangabasyam and Ronald Fredrick Edger as inventors.

On April 22, 2004, a patent application entitled "CASEMENT WINDOW SYSTEM AND COMPONENTS AND HARDWARE THEREFOR" was filed by Alpa Lumber (hereinafter the "Alpa Lumber patent application") and given Serial No. 10/829,645. The Alpa Lumber patent application names the following three people as inventors: Gabriel Petta, Madan Chandragiri Rangabasyam, and Ronald Fredrick Edge.

The Alpa Lumber patent application is supported by the Royal Group patent application, it is copending with it, and both applications have common inventors. Accordingly, the Alpa Lumber patent application is entitled to claim the benefit of the Royal Group patent application. A specific reference to the Royal Group patent application was unintentionally not presented in the Alpa Lumber patent application within the time limits required by 37 CFR 1.78. Accordingly, this petition is filed to have the unintentionally delayed priority claim accepted. The delay in filing this petition between the date the claim was due under 37 CFR 1.78 (a)(2)(ii) and the date hereof was unintentional.

Please amend the specification as indicated above and accord the present application the benefit of the October 28, 2002, filing date. Submitted herewith is the surcharge required in 37 CFR 1.17(t).

Respectfully submitted,



Derek C. Stettner
Reg. No. 37,945

Docket No.: 200195-9001-00
Michael Best & Friedrich LLP
401 North Michigan Avenue
Suite 1900
Chicago, Illinois 60611
(312) 222-0800

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